

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**PETER GRIFFIN, et al.,
Plaintiffs,**

v.

Case No. 07C170

**GOVERNOR JIM DOYLE, et al.,
Defendants.**

ORDER

Plaintiffs Peter and Gabriel Griffin, proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 and requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Pursuant to the Prison Litigation Reform Act (PLRA), the plaintiffs are required to pay the statutory filing fee of \$350.00 for this action. See 28 U.S.C. § 1915(b)(1).

By order dated September 27, 2007, plaintiffs were ordered to forward to the clerk of court within 21 days an initial partial filing fee in this action. Plaintiffs were advised that, upon payment of this fee, the court would determine whether the action could proceed in forma pauperis. To date plaintiffs have not paid this partial filing fee. From this failure to pay the initial filing fee this court infers that plaintiffs no longer want to prosecute this action. Therefore, the court will dismiss this case without prejudice.

NOW, THEREFORE, IT IS ORDERED that this action be and hereby is dismissed without prejudice for failure to prosecute.

IT IS FURTHER ORDERED that this dismissal will not be counted as a "strike" under 28 U.S.C. § 1915(g).

IT IS ALSO ORDERED that copies of this order be sent to the warden of the institution where the inmate is confined and to Corey F. Finkelmeyer, Assistant Attorney General, Wisconsin Department of Justice, P.O. Box 7857, Madison, Wisconsin, 53707-7857.

Dated at Milwaukee, Wisconsin this 1 day of November, 2007.

/s

LYNN ADELMAN
District Judge